

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

EDUARDO ALMODOVAR; ET AL.,

Plaintiffs,

v.

MILA, INC.; ET AL.,

Defendants.

Case No.: 12-CV-02467-LHK

ORDER DISMISSING CASE WITHOUT
PREJUDICE

On May 15, 2012, Plaintiffs Eduardo and Sibyl Amodovar (“Plaintiffs”) filed their complaint in this matter. Federal Rule of Civil Procedure 4(m) requires a plaintiff to serve a defendant within 120 days after filing the complaint. A court must dismiss a case without prejudice if a plaintiff has not complied with Rule 4(m), unless the plaintiff shows good cause for its failure to serve defendant. Fed. R. Civ. P. 4(m). 211 days have now passed since the filing of the complaint, and no proof of service has been filed.

On October 30, 2012, this Court issued an Order to Show Cause why this case should not be dismissed for failure to comply with Rule 4(m). In that Order, the Court warned that this case would be dismissed without prejudice if Plaintiffs did not file a response by November 30, 2012 and did not appear at a hearing on December 12, 2012 at 2:00 p.m. Plaintiffs failed to file a response and failed to appear at the hearing on December 12, 2012. Accordingly, this case is hereby DISMISSED without prejudice pursuant to Rule 4(m). The Clerk shall close the file.

United States District Court
For the Northern District of California

1 **IT IS SO ORDERED.**

2 Dated: December 12, 2012

3 
4 LUCY H. KOH
5 United States District Judge